REMARKS

Claims 1-26 are pending (new claims 22-26 are added by this amendment), and claims 1-7 are withdrawn from consideration.

In the aforesaid Office Action, the Examiner rejected claims 8-21 under 35 USC §103(a) as being unpatentable over Kume et al. (U.S. Patent No. 5,411,016) in view of Muni et al. (U.S. Patent No. 5,316,706), stating in the Response to Arguments section that Kume et al. teaches using a transparent form of any polymer that can take the form of transparency and Muni et al. teaches that a form of transparent PEEK may be used given the level of skill in the art.

However, Kume et al. does not disclose or suggest a transparent shaft section in communication with a nontransparent shaft section located distal to the transparent shaft section. Specifically, Kume et al. requires that the distal section 35 of the shaft inner tubular member is transparent. Although Kume et al. does disclose that the entire length of the inner tubular member 31 may be formed of the optically transparent material (see column 6, lines 25-27), Kume et al. requires that at least the distal section is transparent to allow for visualization of the treatment site (i.e., the site of the catheter balloon 29) within the patient using the angioscope 19 disposed in the lumen 43 of the transparent section. Thus, Kume et al. teaches away from a transparent shaft section in communication with a distally located nontransparent shaft section, so that the combination of Kume et al. in view of Muni et al. does not disclose or suggest a transparent shaft section in communication with a nontransparent shaft section located distal to the transparent shaft section as required by Applicants' claims 8, 13 and 23.

Moreover, claim 13 further clarifies that the balloon proximal end is located distal to the distal end of the transparent shaft section. Additionally, claim 8 further requires that the transparent shaft section is substantially free of water marks and gels so that the substantially transparent tubular member has a percent transmittance of visible light of about 50% to about 100%. The references do not teach or suggest such as configuration. As discussed in Applicants' specification, the formation of water marks and gels that would otherwise limit the transparency of the shaft is avoided in one embodiment during formation of the transparent shaft section.

New claim 22 calls for a balloon catheter having an outer tubular member defining the inflation lumen and having at least a section which is substantially transparent and which is formed of an extruded polymeric material selected from the group consisting of polyphenylene sulfide, polyether sulfone, and polyetheretherketone. In contrast, Kume et al. discloses that the transparent section is at least a section of the inner tubular member which extends through the balloon interior, to allow for visualization of the treatment site within the patient using the angioscope 19 disposed in the lumen 43 of the transparent section.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In light of the above amendments and remarks, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claim 11 is cancelled, without prejudice.

New claims 22-26 are added.

Claims 8, 10, 13 and 14 are amended as follows:

8. (Twice Amended) An intraluminal catheter, comprising a catheter shaft having a proximal end, a distal end, [a lumen therebetween, wherein] at least a section [of the shaft is] formed [from] of an extruded polymeric [catheter shaft] tubular member of polyetheretherketone polymeric material that is substantially transparent and substantially free of water marks and gels so that the substantially transparent tubular member has a percent transmittance of visible light of about 50% to about 100%, and a nontransparent section which is located distal to the substantially transparent shaft section and which is in communication with the substantially transparent shaft section.

10. (Amended) The intraluminal catheter of Claim 8 wherein the polyether[-]etherketone polymeric material of the transparent shaft section is amorphous.

13. (Twice Amended) An intraluminal balloon catheter, comprising;

a) an elongated catheter shaft having a proximal end, a distal end, an inflation lumen, [and having] a substantially transparent proximal shaft section formed of an extruded [amorphous] polymeric material [near the proximal end], and a

nontransparent distal shaft section in communication with the substantially transparent proximal shaft section; and

b) an inflatable member on [a] the distal section of the shaft, having a proximal end located distal to a distal end of the substantially transparent proximal shaft section, a distal end, and an interior in fluid communication with the inflation lumen.

14. (Amended) The intraluminal catheter of Claim 13, wherein the substantially transparent shaft section is formed of a polymeric material selected from the group consisting of polyphenylene sulfide, polyether sulfone, and polyether[-]etherketone.